

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Case No. 4:18-cv-442-ALM

David Folkenflik, et al.,

Defendants

MOTION FOR EXTENSION

NOW COMES Edward Butowsky, the Plaintiff, moving the Court to grant a two-week extension of the August 12, 2020 deadlines set forth in its August 5, 2020 Order (Doc. No. 179):

On August 4, 2020, Mr. Butowsky suffered a serious heart attack while he was awaiting hip replacement surgery in Plano, Texas. *See* August 12, 2020 Letter from Christina Kuo (Exhibit 1). Mr. Butowsky's heart stopped beating for an unknown period of time, and he was subjected to CPR, defibrillation, and intubation in the 13 minutes after he was found unconscious. *Id.* Mr. Butowsky was transferred to the intensive care unit, and his surgery was postponed. *Id.* Mr. Butowsky is now recovering from the heart attack, and his hip surgery is tentatively scheduled for August 18, 2020.¹

¹ The undersigned obtained this information directly from Mr. Butowsky. The undersigned further declares under penalty of perjury under the laws of the United States, and as witnessed by his electronic signature on this document, that his statements herein are true and correct, and that the exhibits to this document are true and correct copies of the documents that he describes.

The Defendants have generously consented to previous requests for an extension, and this Court has generously granted them. Mr. Butowsky and the undersigned both regret requesting another one, but Mr. Butowsky's heart attack could not have been anticipated. The document review contractors have completed their task, meanwhile, and the undersigned intends to start a rolling production tomorrow. Even so, Mr. Butowsky's medical condition has been such that he was unable to help finalize his responses to discovery.

In light of the foregoing events, the Plaintiff moves the Court to extend the deadline for his discovery responses from August 12, 2020 to August 26, 2020, *i.e.*, eight days after his scheduled hip replacement surgery.

Respectfully submitted,

/s/ Ty Clevenger

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CERTIFICATE OF CONFERENCE

I certify that I informed Laura Lee Prather and David J. Bodney, counsel for the Defendants, about my client's heart attack via email on August 5, 2020, further explaining that it might impact the scheduling of this case. On August 9, 2020, I informed Ms. Prather and Mr. Bodney via email about the Plaintiff's need for an extension of time. Several emails were exchanged between that date and August 12, 2020. I spoke with Ms. Prather and Mr. Bodney about this motion via telephone on the afternoon of August 12, 2020, and they asked me to obtain additional information from my client. I conferred with my client and relayed the information to Ms. Prather and Mr. Bodney via email at 6:11 p.m. CT on August 12, 2020. As of this filing, Ms. Prather and Mr. Bodney have not indicated whether their clients oppose this motion. I will update this certificate of conference as soon as I receive their response.

/s/ Ty Clevenger

Ty Clevenger

CERTIFICATE OF SERVICE

I certify that a copy of this document was filed with the Court's ECF system on August 12, 2020, which should result in automatic notification via email to all counsel of record.

/s/ Ty Clevenger

Ty Clevenger